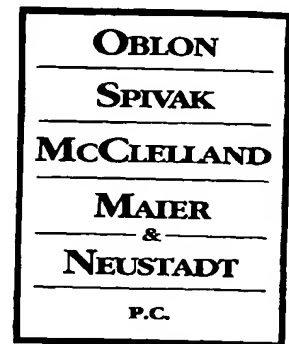


53

March 10, 2005



UNITED STATES PATENT AND TRADEMARK OFFICE
Box 16
Washington, DC 20231

ATTORNEYS AT LAW
KATHLEEN A. MORSBERGER
CONTROLLER
(703) 412-6494
KMORSBERGER@OBLON.COM

Attn: Frank Lebron
Refund Department

Re: Deposit Account #150030

Dear Mr. Lebron

Enclosed is a copy of a portion of our Deposit Account Statement of February, 2005. Please review the highlighted charge on Serial Number 10/524,037 in the amount of \$100.00 on fee code #1633.

In accordance with the rule change of February 1, 2005, Title 37 CFR Part 1, Section 1.492 (copy attached), "the search fee for an international application entering the national stage ... is \$400.00 ..." Therefore the \$400.00 search fee (not the old fee of \$500.00) is correct and a refund should be issued for the extra \$100.00 charged on our deposit account.

Please review this application and kindly refund \$100.00 to deposit account #150030. Copies of the appropriate paperwork are attached. If you have any questions, please contact Debbie Noel at (703) 412-6296. Thank you for your assistance.

Sincerely,

OBLON, SPIVAK, McCLELLAND,
MAIER & NEUSTADT, P.C.

Debra J. Noel
Debra J. Noel
Accounting Department

Refund Ref: 0038021816
05/12/2005
-----Enclosures-----

Credit Card Refund Total: \$100.00

Am Exp.: XXXXXXXXXXXX1007

Adjustment date: 05/12/2005 RWHITE1
02/17/2005 SNAJARRO 00000098 10524037
02 FC:1632 -500.00 OP

1940 DUKE STREET ■ ALEXANDRIA, VIRGINIA 22314 ■ U.S.A.
TELEPHONE: 703-413-3000 ■ FACSIMILE: 703-413-2220 ■ www.oblon.com
05/12/2005 RWHITE1 00000015 10524037
02 FC:1632

400.00 OP

9/11

UNITED STATES PATENT & TRADEMARK OFFICE
Washington, D.C. 20231

REQUEST FOR PATENT FEE REFUND												
1 Date of Request: <u>3/10/05</u>		2 Serial/Patent # <u>10/524037</u>										
3 Please refund the following fee(s):		4 PAPER NUMBER	5 DATE FILED	6 AMOUNT								
<input checked="" type="checkbox"/>	Filing <u>Fee Change</u>			\$ <u>100.00</u>								
<input type="checkbox"/>	Amendment			\$								
<input type="checkbox"/>	Extension of Time			\$								
<input type="checkbox"/>	Notice of Appeal/Appeal			\$								
<input type="checkbox"/>	Petition			\$								
<input type="checkbox"/>	Issue			\$								
<input type="checkbox"/>	Cert of Correction/Terminal Disc.			\$								
<input type="checkbox"/>	Maintenance			\$								
<input type="checkbox"/>	Assignment			\$								
<input type="checkbox"/>	Other			\$								
		7 TOTAL AMOUNT OF REFUND		\$ <u>100.00</u>								
		8 TO BE REFUNDED BY: <u>CC</u>										
10 REASON:		Treasury Check										
<input checked="" type="checkbox"/>	Overpayment	Credit Deposit A/C #:										
<input type="checkbox"/>	Duplicate Payment	9 <table border="1" style="display: inline-table; border-collapse: collapse;"><tr><td style="width: 20px; height: 20px;"></td><td style="width: 20px; height: 20px;"></td><td style="width: 20px; height: 20px;"></td><td style="width: 20px; height: 20px;"></td><td style="width: 20px; height: 20px;"></td><td style="width: 20px; height: 20px;"></td><td style="width: 20px; height: 20px;"></td><td style="width: 20px; height: 20px;"></td></tr></table>										
<input type="checkbox"/>	No Fee Due (Explanation):											
11 REFUND REQUESTED BY:												
TYPED/PRINTED NAME: <u>Rita White</u>		TITLE: <u>Legal Assistant Examiner</u>										
SIGNATURE: <u>Rita White</u>		PHONE: <u>7/308-9140 ext. 231</u>										
OFFICE: <u>DO/EO</u>												
***** THIS SPACE RESERVED FOR FINANCE USE ONLY: *****												
APPROVED: _____		DATE: _____										

Instructions for completion of this form appear on the back. After completion, attach white and yellow copies to the official file and mail or hand-carry to:



**United States
Patent and
Trademark Office**

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Online
Shopping
Page

Deposit Account Statement

Requested Statement Month:

February 2005

Deposit Account Number:

150030

Name:

NORMAN F. OBLON

Attention:

Address:

City:

1940 DUKE STREET

State:

ALEXANDRIA

Zip:

VA

22314

DATE	SEQ	POSTING REF TXT	ATTORNEY DOCKET NBR	FEE CODE	AMT	BAL
02/01	78	10503936	256748US6PCT	1201	\$2,000.00	\$16,574.71
02/01	79	10503936	256748US6PCT	1202	\$350.00	\$16,224.71
02/01	192	10880101	254622WO/TEP/FF	8007	\$20.00	\$16,204.71
02/01	245	60584469	255455US/KQU	8007	\$60.00	\$16,144.71
02/01	342	60538457	248191USUS/KQU	8007	\$20.00	\$16,124.71
02/01	343	60559950	251700US/KQU	8007	\$20.00	\$16,104.71
02/02	5	09889141	211141US2PCT	1806	\$180.00	\$15,924.71
02/02	6	10940012	258658US25CONT	1202	\$200.00	\$15,724.71
02/02	262	60573420	253699US/KQU	8007	\$40.00	\$15,684.71
02/03	85	10760499	247798US2SX CONT	1201	\$200.00	\$15,484.71
02/04	10	09836470	205801USDIV	1202	\$500.00	\$14,984.71
02/04	34	11045337	265332US90	1202	\$1,100.00	\$13,884.71
02/04	82	10498357	254769US6PCT	1617	\$130.00	\$13,754.71
02/04	167	10764467	245417US/KQU	8007	\$20.00	\$13,734.71
02/04	169	10764569	245418US/KQU	8007	\$20.00	\$13,714.71
02/04	174	10780640	249160US/KQU	8007	\$60.00	\$13,654.71
02/04	176	60557687	250390US/KQU	8007	\$20.00	\$13,634.71
02/04	177	10796064	248424US/KQU	8007	\$80.00	\$13,554.71
02/04	275	10764527	245419US/KQU	8007	\$20.00	\$13,534.71
02/07	26	PAYMENT		9203	-\$20,000.00	\$33,534.71
02/07	51	10002434	263467US8	1463	\$70.00	\$33,464.71
02/07	140	10212399	263471US8	1463	\$70.00	\$33,394.71
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02/07	381	0155740001	254464MX/TEP/FF	8014	\$25.00	\$33,309.71
02/08	4	10488242	249173US2XPCT	1463	\$70.00	\$33,239.71
02/08	136	10408218	236211US30/JEM	1251	\$120.00	\$33,119.71
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02/09	11	10355304	233504USOSCO	1252	\$450.00	\$32,569.71

02/17 340 10524143	264612US0XPCT	1615	\$100.00	\$24,647.71
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02/17 366 10524145	264624US0XPCT	1615	\$100.00	\$24,347.71
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02/17 432 10524035	265066US2PCT	2617	\$50.00	\$24,197.71
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02/18 2 10504855	258091US3PCT	1617	-\$130.00	\$25,247.71
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02/18 15 11026015	263957US2SRD DIV	1081	\$250.00	\$24,937.71
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02/22 45 60547798	248998US/KQU	8007	\$240.00	\$23,897.71
02/22 87 09273197	500.714US1235144	1801	\$790.00	\$23,107.71
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02/22 176 10524371	265330US6XPCT	1633	\$100.00	\$20,687.71
02/22 251 10524356	265601US6PCT	1633	\$100.00	\$20,587.71
02/22 268 10524360	265996US0PCT	1616	\$100.00	\$20,487.71
02/22 340 10524510	265435US2PCT	1633	\$100.00	\$20,387.71
02/23 3 10485817	246996US0XPCT	1202	\$50.00	\$20,337.71
02/23 27 10933335	258378US2	1202	\$50.00	\$20,287.71
02/23 45 10935279	258556US0CONT	1251	\$120.00	\$20,167.71
02/23 204 10524486	264821US0PCT	1617	\$100.00	\$20,067.71
02/23 248 10524215	265769US26PCT	1633	\$100.00	\$19,967.71
02/23 252 10524216	265070US0PCT	1633	\$100.00	\$19,867.71
02/23 398 10524757	265980USOPCT	1616	\$100.00	\$19,767.71
02/24 63 60565842	252514US/KQU	8007	\$20.00	\$19,747.71
02/24 123 10524669	265287US0X PCT	1615	\$100.00	\$19,647.71
02/24 129 10524670	265898US3PCT	1616	\$100.00	\$19,547.71
02/24 134 10524671	265380US6PCT	1617	\$100.00	\$19,447.71
02/24 145 10524665	265368US0XPCT	1615	\$100.00	\$19,347.71
02/24 152 10524666	265792US0PCT	1616	\$100.00	\$19,247.71

applicability, as defined in PCT Article 33(1) to (4), have been satisfied for all of the claims presented in the application entering the national stage; and (2) the examination fee for an international application entering the national stage under 35 U.S.C. 371 is \$200.00 (\$100.00 for a small entity) in all other situations.

Section 1.496: Section 1.496 is amended to revise its references to § 1.492 to reflect the changes in § 1.492.

Rule Making Considerations

Administrative Procedure Act: Pursuant to its authority under 35 U.S.C. 376(b), the Office has reduced the patent fees set forth in § 1.492 to less than the amount specified in 35 U.S.C. 41. Existing rights and obligations are not otherwise changed. The Office has good cause to implement this fee reduction without prior notice and comment. It is in the public interest to immediately implement the reduced search and examination fees because delay in the adoption of these fee reductions would cause harm to those applicants who currently meet the conditions for entitlement to a fee reduction. Without immediate implementation, applicants who are currently filing search and examination fees in order to avoid abandonment of their applications will be unnecessarily paying higher search and examination fees. The Office believes the public wants these new reduced fees to become effective as soon as possible as the public should benefit from the efficiencies and savings resulting therefrom. In addition, the Office believes that prior notice and comment is unnecessary because it does not expect the public to object to the reduction of search and examination fees. Moreover, the Office does not believe the public needs time to conform its conduct so as to avoid violation of these regulations. In order to give the public the immediate benefit of the Office's decision to reduce specified search and examination fees, the Office finds, pursuant to the authority provided at 5 U.S.C. 553(b)(B), good cause to adopt this change without prior notice and an opportunity for public comment, as such procedures are contrary to the public interest. See *Nat. Customs Brokers & Forwarders Ass'n v. U.S.*, 59 F.3d 1219, 1223-24 (Fed. Cir. 1995).

Nothing in this or any other law requires delayed implementation of the fee reductions. 35 U.S.C. 41(g) provides that: "[n]o fee established by the Director under [35 U.S.C. 41] shall take effect until at least 30 days after notice of the fee has been published in the

Federal Register and in the Official Gazette of the Patent and Trademark Office." Since the reduced search fees and examination fees specified in §§ 1.492(b) and (c) are established by the Office on the basis of the Office's authority under 35 U.S.C. 376(b) (rather than the authority in 35 U.S.C. 41), the thirty-day advance publication requirement of 35 U.S.C. 41(g) does not apply to the reduced search fees and examination fees specified in § 1.492(b) and (c).

Accordingly, the changes in this interim rule may be adopted without prior notice and opportunity for public comment under 5 U.S.C. 553(b) and (c), or thirty-day advance publication under 5 U.S.C. 553(d) or 35 U.S.C. 41(g).

Regulatory Flexibility Act: As prior notice and an opportunity for public comment are not required pursuant to 5 U.S.C. 553 (or any other law), neither a regulatory flexibility analysis nor a certification under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*) are required. See 5 U.S.C. 603.

Executive Order 13132: This rule making does not contain policies with federalism implications sufficient to warrant preparation of a Federalism Assessment under Executive Order 13132 (Aug. 4, 1999).

Executive Order 12866: This rule making has been determined to be not significant for purposes of Executive Order 12866 (Sept. 30, 1993).

Paperwork Reduction Act: This interim rule involves information collection requirements that are subject to review by the Office of Management and Budget (OMB) under the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*). The collection of information involved in this interim rule has been reviewed and previously approved by OMB under the following control number: 0651-0021. The Office is not resubmitting an information collection package to OMB for its review and approval because the changes in this interim rule do not affect the information collection requirements associated with the information collection under this OMB control number.

Interested persons are requested to send comments regarding this information collection, including suggestions for reducing this burden, to Robert J. Spar, Director, Office of Patent Legal Administration, United States Patent and Trademark Office, P.O. Box 1450, Alexandria, VA 22313-1450, or to the Office of Information and Regulatory Affairs of OMB, New Executive Office Building, 725 17th Street, NW., Room 10235, Washington, DC 20503,

Attention: Desk Officer for the United States Patent and Trademark Office.

Notwithstanding any other provision of law, no person is required to respond to nor shall a person be subject to a penalty for failure to comply with a collection of information subject to the requirements of the Paperwork Reduction Act unless that collection of information displays a currently valid OMB control number.

List of Subjects in 37 CFR Part 1

Administrative practice and procedure, Courts, Freedom of Information, Inventions and patents, Reporting and recordkeeping requirements, Small businesses.

■ For the reasons set forth in the preamble, 37 CFR part 1 is amended as follows:

PART 1—RULES OF PRACTICE IN PATENT CASES

■ 1. The authority citation for 37 CFR part 1 continues to read as follows:

Authority: 35 U.S.C. 2(b)(2).

■ 2. Section 1.492 is amended by revising paragraphs (b) and (c) to read as follows:

§ 1.492 National stage fees.

(b) Search fee for an international application entering the national stage under 35 U.S.C. 371 if the basic national fee was not paid before December 8, 2004:

(1) If the search fee as set forth in §§ 1.445(a)(2) has been paid on the international application to the United States Patent and Trademark Office as an International Searching Authority:
By a small entity (§ 1.27(a)) \$50.00
By other than a small entity \$100.00

(2) If an international search report on the international application has been prepared and is provided to the Office no later than the time at which the search fee is paid:

By a small entity (§ 1.27(a)) \$200.00
By other than a small entity \$400.00

(3) In all situations not provided for in paragraphs (b)(1) or (b)(2) of this section:

By a small entity (§ 1.27(a)) \$250.00
By other than a small entity \$500.00

(c) The examination fee for an international application entering the national stage under 35 U.S.C. 371 if the basic national fee was not paid before December 8, 2004:

(1) If an international preliminary examination report on the international application prepared by the United States International Preliminary Examining Authority states that the

Due Date February 25,
2005

OSMM&N File No. 264681US0X PCT

By NFO/li/FF

Serial No. New U.S. PCT Application based on PCT/EP03/08332

In the matter of the Application of Kai SCHUMACHER, et al.
For SILICON DIOXIDE DISPERSION

The following has been received in the U.S. Patent Office on the date stamped hereon:

- ☐ Application Data Sheet
- ☐ Notice of Priority
- ☐ Dep. Acct. Order Form
- ☐ Credit Card Payment Form for \$900.00
- ☐ PCT Transmittal Letter
- ☐ Preliminary Amendment
- ☐ PCT/IB/304
- ☐ PCT/IB/308
- ☐ International Preliminary Examination Report
- ☐ PCT/IB/371
- ☐ International Search Report
- ☐ Request for Consideration of Documents Cited in International Search Report
- ☐ PCT Request
- ☐ Copy of Declaration of Inventorship under PCT Rule 4.17(iv)

SERIAL NO. _____

DATE RECEIVED _____



AT. KEY'S DOCKET NUMBER

264681US0XPCT

**TRANSMITTAL LETTER TO THE UNITED STATES
DESIGNATED/ELECTED OFFICE (DO/EO/US)
CONCERNING A SUBMISSION UNDER 35 U.S.C. 371**

U.S. APPLICATION NO. (If known, see 37 CFR 1.5)

INTERNATIONAL APPLICATION NO.
PCT/EP03/08332INTERNATIONAL FILING DATE
29 July 2003PRIORITY DATE CLAIMED
27 August 2002TITLE OF INVENTION
SILICON DIOXIDE DISPERSIONAPPLICANT(S) FOR DO/EO/US
Kai SCHUMACHER et al.

Applicant herewith submits to the United States Designated/Elected Office (DO/EO/US) the following items and other information:

1. ☒ This is a **FIRST** submission of items concerning a submission under 35 U.S.C. 371.
2. ☐ This is a **SECOND** or **SUBSEQUENT** submission of items concerning a submission under 35 U.S.C. 371.
3. ☒ This is an express request to begin national examination procedures (35 U.S.C. 371(f)). The submission must include items (5), (6), (9) and (24) indicated below.
4. ☒ The US has been elected (Article 31).
5. ☒ A copy of the International Application as filed (35 U.S.C. 371 (c)(2))
 - a. ☐ is attached hereto (required only if not communicated by the International Bureau).
 - b. ☒ has been communicated by the International Bureau.
 - c. ☐ is not required, as the application was filed in the United States Receiving Office (RO/US).
6. ☐ An English language translation of the International Application as filed (35 U.S.C. 371(c)(2)).
 - a. ☐ is attached hereto.
 - b. ☐ has been previously submitted under 35 U.S.C. 154(d)(4).
7. ☒ Amendments to the claims of the International Application under PCT Article 19 (35 U.S.C. 371 (c)(3))
 - a. ☐ are attached hereto (required only if not communicated by the International Bureau).
 - b. ☐ have been communicated by the International Bureau.
 - c. ☐ have not been made; however, the time limit for making such amendments has NOT expired.
 - d. ☒ have not been made and will not be made.
8. ☐ An English language translation of the amendments to the claims under PCT Article 19 (35 U.S.C. 371(c)(3)).
9. ☐ An oath or declaration of the inventor(s) (35 U.S.C. 371 (c)(4)).
10. ☐ An English language translation of the annexes to the International Preliminary Examination Report under PCT Article 36 (35 U.S.C. 371 (c)(5)).
11. ☒ A copy of the International Preliminary Examination Report (PCT/IPEA/409).
12. ☒ A copy of the International Search Report (PCT/ISA/210).

Items 13 to 23 below concern document(s) or information included:

13. ☐ An Information Disclosure Statement under 37 CFR 1.97 and 1.98.
14. ☐ An assignment document for recording. A separate cover sheet in compliance with 37 CFR 3.28 and 3.31 is included.
15. ☒ A **FIRST** preliminary amendment.
16. ☐ A **SECOND** or **SUBSEQUENT** preliminary amendment.
17. ☐ A substitute specification.
18. ☐ A power of attorney and/or change of address letter.
19. ☐ A computer-readable form of the sequence listing in accordance with PCT Rule 13ter.2 and 37 CFR 1.821 - 1.825.
20. ☐ A second copy of the published International Application under 35 U.S.C. 154(d)(4).
21. ☐ A second copy of the English language translation of the International Application under 35 U.S.C. 154(d)(4).
22. ☐ Express Mail Label No.
23. ☒ Other items or information:

Application Data Sheet

PCT/IB/304

PCT/IB/371

Copy of Declaration of Inventorship under PCT Rule 4.17(iv)

Notice of Priority

PCT/IB/308

PCT request

Request for Consideration

U.S. APPLICATION NO (if known, see 37 CFR 1.5)		INTERNATIONAL APPLICATION NO. PCT/EP03/08332		ATTORNEY'S DOCKET NUMBER 264681US0XPCT	
24. The following fees are submitted:				Applicant use	Office use
<input checked="" type="checkbox"/> a) Basic national fee \$300.00				\$ 300.00	
<input checked="" type="checkbox"/> b) Examination fee \$200.00				\$ 200.00	
<input checked="" type="checkbox"/> c) Search fee \$400.00				\$ 400.00	
TOTAL OF ABOVE CALCULATIONS = \$900.00				\$ 900.00	
<input type="checkbox"/> Additional fee for specification and drawings filed in paper over 100 sheets (excluding sequence listing or computer program listing filed in an electronic medium). The fee is \$250 for each additional 50 sheets of paper or fraction thereof.					
Total Sheets	Extra Sheets	Number of each additional 50 or fraction thereof (round up to a whole)	RATE		
- 100 =	/50 =		x \$250.00	\$ 0.00	
Surcharge of \$130.00 for furnishing the oath or declaration later than months from the earliest claimed priority date (37 CFR 1.492(e)).				\$	
CLAIMS	NUMBER FILED	NUMBER EXTRA	RATE		
Total claims	18 - 20 =	0	x \$50.00	\$ 0.00	
Independent claims	1 - 3 =	0	x \$200.00	\$ 0.00	
MULTIPLE DEPENDENT CLAIMS (if applicable) <input type="checkbox"/> + \$360.00				\$ 0.00	
TOTAL OF ABOVE CALCULATIONS =				\$ 900.00	
<input type="checkbox"/> Applicant claims small entity status. See 37 CFR 1.27. The fees indicated above are reduced by 1/2.				\$ 0.00	
SUBTOTAL =				\$ 900.00	
Processing fee of \$130.00 for furnishing the English translation later than 30 months from the earliest claimed priority date (37 CFR 1.492(f)).				\$ 0.00	
TOTAL NATIONAL FEE =				\$ 900.00	
Fee for recording the enclosed assignment (37 CFR 1.21(h)). The assignment must be accompanied by an appropriate cover sheet (37 CFR 3.28, 3.31). \$40 per property +				\$ 0.00	
TOTAL FEES ENCLOSED =				\$ 900.00	
Amount to be refunded:				\$	
Amount to be charged:				\$	
a. <input type="checkbox"/> A check in the amount of \$ _____ to cover the above fees is enclosed.					
b. <input type="checkbox"/> Please charge my Deposit Account No. _____ In the amount of _____ to cover the above fees. A duplicate copy of this sheet is _____					
c. <input checked="" type="checkbox"/> The Director is hereby authorized to charge any additional fees which may be required, or credit any overpayment to Deposit Account No. <u>15-0030</u> . A duplicate copy of this sheet is enclosed.					
d. <input checked="" type="checkbox"/> Fees are to be charged to a credit card. WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.					
NOTE: Where an appropriate time limit under 37 CFR 1.495 has not been met, a petition to revive (37 CFR 1.137(a) or (b)) must be filed and granted to restore the International Application to pending status.					
SEND ALL CORRESPONDENCE TO:					
Customer Number 22850			SIGNATURE Norman F. Oblon NAME 24,618 REGISTRATION NUMBER		